

Calendar No. 1000

110TH CONGRESS
2D SESSION**S. 3088**

To designate certain land in the State of Oregon as wilderness, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mr. WYDEN introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To designate certain land in the State of Oregon as
wilderness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Badlands Wil-
5 derness Act of 2008”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) ~~FINDINGS.~~—Congress finds that—

1 (1) certain Bureau of Land Management land
2 in central Oregon qualifies for addition to the Na-
3 tional Wilderness Preservation System;

4 (2) one of the chief economic assets of the cen-
5 tral Oregon region is the rich diversity of available
6 recreation, with the region offering a wide variety of
7 multiple-use areas for skiing, biking, hunting, off-
8 highway vehicle use, boating, and other motorized
9 recreation;

10 (3) there are over 400,000 acres of public land
11 near Bend, Oregon, available for off-highway vehi-
12 cles and other motorized recreation uses;

13 (4) motorized recreation users in central Or-
14 egon should continue to have access to an abundance
15 of land managed, in part, for their use;

16 (5) the proposed Oregon Badlands Wilderness
17 would increase the offerings in the region by making
18 an additional 30,000 acres in central Oregon avail-
19 able for wilderness recreation and solitude; and

20 (6) certain land exchanges that would consoli-
21 date Federal land holdings within or near to the pro-
22 posed wilderness to enhance wilderness values and
23 management are in the public interest.

24 (b) PURPOSES.—The purposes of this Act are—

1 (1) to designate the Oregon Badlands Wilder-
2 ness in the State of Oregon; and

3 (2) to authorize, direct, and facilitate several
4 land exchanges to consolidate Federal land holdings
5 within or near the Oregon Badlands Wilderness.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) DISTRICT.—The term “District” means the
9 Central Oregon Irrigation District, which has offices
10 in Redmond, Oregon.

11 (2) LANDOWNER.—The term “Landowner”
12 means Ray Clarno, a resident of Redmond, Oregon.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (4) STATE.—The term “State” means the State
16 of Oregon.

17 (5) WILDERNESS.—The term “Wilderness”
18 means the Oregon Badlands Wilderness designated
19 by section 4(a).

20 (6) WILDERNESS MAP.—The term “wilderness
21 map” means the map entitled “Badlands Wilder-
22 ness” and dated June 4, 2008.

23 **SEC. 4. OREGON BADLANDS WILDERNESS.**

24 (a) DESIGNATION.—In accordance with the Wilder-
25 ness Act (16 U.S.C. 1131 et seq.), approximately 29,837

1 acres of Bureau of Land Management land in the State;
 2 as depicted on the wilderness map, is designated as Wil-
 3 derness and as a component of the National Wilderness
 4 Preservation System, to be known as the “Oregon Bad-
 5 lands Wilderness”.

6 (b) MAP AND LEGAL DESCRIPTION.—

7 (1) SUBMISSION OF MAP AND LEGAL DESCRIP-
 8 TION.—As soon as practicable after the date of en-
 9 actment of this Act, the Secretary shall file a map
 10 and legal description of the Wilderness with—

11 (A) the Committee on Energy and Natural
 12 Resources of the Senate; and

13 (B) the Committee on Natural Resources
 14 of the House of Representatives.

15 (2) FORCE OF LAW.—The map and legal de-
 16 scription filed under paragraph (1) shall have the
 17 same force and effect as if included in this Act, ex-
 18 cept that the Secretary may correct any errors in
 19 the map or legal description.

20 (3) PUBLIC AVAILABILITY.—The map and legal
 21 description filed under paragraph (1) shall be on file
 22 and available for public inspection in the appropriate
 23 offices of the Secretary.

24 (c) ADMINISTRATION OF WILDERNESS.—

1 (1) IN GENERAL.—Subject to valid existing
2 rights, the Wilderness shall be administered by the
3 Secretary in accordance with the Wilderness Act (16
4 U.S.C. 1131 et seq.); except that—

5 (A) any reference in the Wilderness Act to
6 the effective date of the Wilderness Act shall be
7 considered to be a reference to the date of en-
8 actment of this Act; and

9 (B) any reference in that Act to the Sec-
10 retary of Agriculture shall be considered to be
11 a reference to the Secretary of the Interior.

12 (2) INCORPORATION OF ACQUIRED LAND AND
13 INTERESTS.—Any land or interest in land within the
14 boundary of the Wilderness that is acquired by the
15 United States shall—

16 (A) become part of the Wilderness; and

17 (B) be managed in accordance with this
18 Act, the Wilderness Act (16 U.S.C. 1131 et
19 seq.); and any other applicable law.

20 (3) WITHDRAWAL.—Subject to valid existing
21 rights, the Federal land designated as wilderness by
22 this Act is withdrawn from all forms of—

23 (A) entry, appropriation, or disposal under
24 the public land laws;

1 ~~(B) location, entry, and patent under the~~
 2 ~~mining laws; and~~

3 ~~(C) disposition under the mineral leasing,~~
 4 ~~mineral materials, and geothermal leasing laws.~~

5 ~~(4) GRAZING.—The grazing of livestock in the~~
 6 ~~Wilderness, if established before the date of enact-~~
 7 ~~ment of this Act, and the maintenance of facilities~~
 8 ~~in existence on the date of enactment of this Act re-~~
 9 ~~lating to grazing, shall be permitted to continue sub-~~
 10 ~~ject to such reasonable regulations as are considered~~
 11 ~~necessary by the Secretary in accordance with—~~

12 ~~(A) section 4(d)(4) of the Wilderness Act~~
 13 ~~(16 U.S.C. 1133(d)(4)); and~~

14 ~~(B) the guidelines set forth in Appendix A~~
 15 ~~of the report of the Committee on Interior and~~
 16 ~~Insular Affairs of the House of Representatives~~
 17 ~~accompanying H.R. 2570 of the 101st Congress~~
 18 ~~(H. Rept. 101–405).~~

19 ~~(5) ACCESS TO PRIVATE PROPERTY.—The Sec-~~
 20 ~~retary shall provide any owner of private property~~
 21 ~~within the boundary of the Wilderness adequate ac-~~
 22 ~~cess to the property to ensure the reasonable use~~
 23 ~~and enjoyment of the property by the owner.~~

24 ~~(6) TRIBAL RIGHTS.—Nothing in this Act—~~

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963); or

(ii) any other rights of an Indian tribe; or

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963)—

(i) within the boundaries of the Wilderness; or

(ii) on land acquired by the United States under this Act.

SEC. 5. SCDORIS CORRIDOR.

(a) EXISTING USE.—

(1) IN GENERAL.—Subject to subsection (b), the route depicted on the wilderness map shall be included in a corridor with a width of 25 feet to be

1 excluded from the Wilderness to accommodate the
 2 existing use of the route for purposes relating to the
 3 training of sled dogs by Rachael Sedoris.

4 (2) INCLUSION IN WILDERNESS.—On final and
 5 total termination of the use of the route for the pur-
 6 poses described in paragraph (1), the corridor de-
 7 scribed in that paragraph shall—

8 (A) become part of the Wilderness; and

9 (B) be managed in accordance with this
 10 Act, the Wilderness Act (16 U.S.C. 1131 et
 11 seq.), and any other applicable law.

12 (b) INTERIM MANAGEMENT.—Except as provided in
 13 subsection (a), the corridor shall otherwise be managed
 14 as wilderness.

15 (c) WITHDRAWAL.—Subject to valid existing rights,
 16 the corridor described in subsection (a)(1) is withdrawn
 17 from all forms of—

18 (1) entry, appropriation, or disposal under the
 19 public land laws;

20 (2) location, entry, and patent under the mining
 21 laws; and

22 (3) disposition under the mineral leasing, min-
 23 eral materials, and geothermal leasing laws.

1 **SEC. 6. RELEASE OF WILDERNESS STUDY AREAS.**

2 (a) FINDING.—Congress finds that, for the purposes
3 of section 603 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1782), the Bureau of Land
5 Management land identified as the Badlands wilderness
6 study area has been adequately studied for wilderness des-
7 ignation.

8 (b) RELEASE.—Any public land described in sub-
9 section (a) that is not designated as wilderness by this
10 Act—

11 (1) is no longer subject to section 603(e) of the
12 Federal Land Policy and Management Act of 1976
13 (43 U.S.C. 1782(e)); and

14 (2) shall be managed in accordance with the ap-
15 plicable land management plans adopted under sec-
16 tion 202 of that Act (43 U.S.C. 1712).

17 **SEC. 7. LAND EXCHANGES.**

18 (a) CLARNO LAND EXCHANGE.—

19 (1) CONVEYANCE OF LAND.—If the Landowner
20 offers to convey to the United States all right, title,
21 and interest of the Landowner in and to the non-
22 Federal land described in paragraph (2)(A), the Sec-
23 retary shall—

24 (A) accept the offer; and

25 (B) on receipt of acceptable title to the
26 non-Federal land and subject to valid existing

rights, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 240 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 245 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

1 ~~(B)~~ on receipt of acceptable title to the
2 non-Federal land and subject to valid existing
3 rights, convey to the District all right, title, and
4 interest of the United States in and to the Fed-
5 eral land described in paragraph ~~(2)~~(B).

6 ~~(2) DESCRIPTION OF LAND.—~~

7 ~~(A) NON-FEDERAL LAND.—~~The non-Fed-
8 eral land referred to in paragraph (1) is the ap-
9 proximately 564 acres of non-Federal land iden-
10 tified on the wilderness map as “~~COID~~ to Fed-
11 eral Government”.

12 ~~(B) FEDERAL LAND.—~~The Federal land
13 referred to in paragraph ~~(1)~~(B) is the approxi-
14 mately 686 acres of Federal land identified on
15 the wilderness map as “Federal Government to
16 ~~COID~~”.

17 ~~(3) SURVEYS.—~~The exact acreage and legal de-
18 scription of the Federal land and non-Federal land
19 described in paragraph ~~(2)~~ shall be determined by
20 surveys approved by the Secretary.

21 ~~(c) APPLICABLE LAW.—~~Except as otherwise provided
22 in this section, the Secretary shall carry out the land ex-
23 changes under this section in accordance with section 206
24 of the Federal Land Policy and Management Act of 1976
25 ~~(43 U.S.C. 1716).~~

1 (d) VALUATION, APPRAISALS, AND EQUALIZATION.—

2 (1) IN GENERAL.—The value of the Federal
3 land and the non-Federal land to be conveyed in a
4 land exchange under this section—

5 (A) shall be equal, as determined by ap-
6 praisals conducted in accordance with para-
7 graph (2); or

8 (B) if not equal, shall be equalized in ac-
9 cordance with paragraph (3).

10 (2) APPRAISALS.—

11 (A) IN GENERAL.—The Federal land and
12 the non-Federal land to be exchanged under
13 this section shall be appraised by an inde-
14 pendent, qualified appraiser that is agreed to by
15 the Secretary and the owner of the non-Federal
16 land to be exchanged.

17 (B) REQUIREMENTS.—An appraisal under
18 subparagraph (A) shall be conducted in accord-
19 ance with—

20 (i) the Uniform Appraisal Standards
21 for Federal Land Acquisition; and

22 (ii) the Uniform Standards of Profes-
23 sional Appraisal Practice.

24 (3) EQUALIZATION.—

1 (A) IN GENERAL.—If the value of the Fed-
 2 eral land and the non-Federal land to be con-
 3 veyed in a land exchange under this section is
 4 not equal, the value may be equalized by—

5 (i) the Secretary making a cash
 6 equalization payment to the owner of the
 7 non-Federal land;

8 (ii) the owner of the non-Federal land
 9 making a cash equalization payment to the
 10 Secretary; or

11 (iii) reducing the acreage of the Fed-
 12 eral land or the non-Federal land to be ex-
 13 changed, as appropriate.

14 (B) CASH EQUALIZATION PAYMENTS.—
 15 Any cash equalization payments received by the
 16 Secretary under subparagraph (A)(ii) shall be—

17 (i) deposited in the Federal Land Dis-
 18 posal Account established by section
 19 206(a) of the Federal Land Transaction
 20 Facilitation Act (43 U.S.C. 2305(a)); and

21 (ii) used in accordance with that Act.

22 (c) CONDITIONS OF EXCHANGE.—

23 (1) IN GENERAL.—As a condition of a convey-
 24 ance of Federal land and non-Federal land under
 25 this section, the Federal Government and the owner

1 of the non-Federal land shall equally share all costs
 2 relating to the land exchange, including the costs of
 3 appraisals, surveys, and any necessary environ-
 4 mental clearances.

5 (2) VALID EXISTING RIGHTS.—The exchange of
 6 Federal land and non-Federal land under this sec-
 7 tion shall be subject to any easements, rights-of-way,
 8 or other valid encumbrances in existence on the date
 9 of enactment of this Act.

10 (f) DEADLINE FOR COMPLETION OF LAND EX-
 11 CHANGE.—It is the intent of Congress that the land ex-
 12 changes under this section shall be completed not later
 13 than 16 months after the date of enactment of this Act.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Oregon Badlands Wil-
 16 derness Act of 2008”.*

17 **SEC. 2. DEFINITIONS.**

18 *In this Act:*

19 (1) DISTRICT.—The term “District” means the
 20 Central Oregon Irrigation District.

21 (2) SECRETARY.—The term “Secretary” means
 22 the Secretary of the Interior.

23 (3) STATE.—The term “State” means the State
 24 of Oregon.

1 (4) *WILDERNESS MAP.*—*The term “wilderness*
 2 *map” means the map entitled “Badlands Wilderness”*
 3 *and dated September 3, 2008.*

4 **SEC. 3. OREGON BADLANDS WILDERNESS.**

5 (a) *DESIGNATION.*—*In accordance with the Wilderness*
 6 *Act (16 U.S.C. 1131 et seq.), the approximately 29,301*
 7 *acres of Bureau of Land Management land in the State,*
 8 *as generally depicted on the wilderness map, is designated*
 9 *as wilderness and as a component of the National Wilder-*
 10 *ness Preservation System, to be known as the “Oregon Bad-*
 11 *lands Wilderness”.*

12 (b) *ADMINISTRATION OF WILDERNESS.*—

13 (1) *IN GENERAL.*—*Subject to valid existing*
 14 *rights, the Oregon Badlands Wilderness shall be ad-*
 15 *ministered by the Secretary in accordance with the*
 16 *Wilderness Act (16 U.S.C. 1131 et seq.), except that—*

17 (A) *any reference in the Wilderness Act to*
 18 *the effective date of that Act shall be considered*
 19 *to be a reference to the date of enactment of this*
 20 *Act; and*

21 (B) *any reference in the Wilderness Act to*
 22 *the Secretary of Agriculture shall be considered*
 23 *to be a reference to the Secretary of the Interior.*

24 (2) *INCORPORATION OF ACQUIRED LAND AND IN-*
 25 *TERESTS.*—*Any land or interest in land within the*

1 *boundary of the Oregon Badlands Wilderness that is*
 2 *acquired by the United States shall—*

3 *(A) become part of the Oregon Badlands*
 4 *Wilderness; and*

5 *(B) be managed in accordance with this*
 6 *Act, the Wilderness Act (16 U.S.C. 1131 et seq.),*
 7 *and any other applicable law.*

8 *(3) GRAZING.—The grazing of livestock in the*
 9 *Oregon Badlands Wilderness, if established before the*
 10 *date of enactment of this Act, shall be permitted to*
 11 *continue subject to such reasonable regulations as are*
 12 *considered necessary by the Secretary in accordance*
 13 *with—*

14 *(A) section 4(d)(4) of the Wilderness Act (16*
 15 *U.S.C. 1133(d)(4)); and*

16 *(B) the guidelines set forth in Appendix A*
 17 *of the report of the Committee on Interior and*
 18 *Insular Affairs of the House of Representatives*
 19 *accompanying H.R. 2570 of the 101st Congress*
 20 *(H. Rept. 101–405).*

21 *(4) ACCESS TO PRIVATE PROPERTY.—In accord-*
 22 *ance with section 5(a) of the Wilderness Act (16*
 23 *U.S.C. 1134(a)), the Secretary shall provide any*
 24 *owner of private property within the boundary of the*

1 *Oregon Badlands Wilderness adequate access to the*
2 *property.*

3 *(c) POTENTIAL WILDERNESS.—*

4 *(1) IN GENERAL.—In furtherance of the purposes*
5 *of the Wilderness Act (16 U.S.C. 1131 et seq.), a cor-*
6 *ridor of certain Federal land managed by the Bureau*
7 *of Land Management with a width of 25 feet, as gen-*
8 *erally depicted on the wilderness map as “Potential*
9 *Wilderness”, is designated as potential wilderness.*

10 *(2) INTERIM MANAGEMENT.—The potential wil-*
11 *derness designated by paragraph (1) shall be managed*
12 *in accordance with the Wilderness Act (16 U.S.C.*
13 *1131 et seq.), except that the Secretary may allow*
14 *nonconforming uses that are authorized and in exist-*
15 *ence on the date of enactment of this Act to continue*
16 *in the potential wilderness.*

17 *(3) DESIGNATION AS WILDERNESS.—On the date*
18 *on which the Secretary publishes in the Federal Reg-*
19 *ister notice that any nonconforming uses in the po-*
20 *tential wilderness designated by paragraph (1) that*
21 *are permitted under paragraph (2) have terminated,*
22 *the potential wilderness shall be—*

23 *(A) designated as wilderness and as a com-*
24 *ponent of the National Wilderness Preservation*
25 *System; and*

1 (B) incorporated into the Oregon Badlands
2 Wilderness.

3 (d) *MAP AND LEGAL DESCRIPTION.*—

4 (1) *IN GENERAL.*—As soon as practicable after
5 the date of enactment of this Act, the Secretary shall
6 file a map and legal description of the Oregon Bad-
7 lands Wilderness with—

8 (A) the Committee on Energy and Natural
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources of
11 the House of Representatives.

12 (2) *FORCE OF LAW.*—The map and legal descrip-
13 tion filed under paragraph (1) shall have the same
14 force and effect as if included in this Act, except that
15 the Secretary may correct typographical errors in the
16 map and legal description.

17 (3) *PUBLIC AVAILABILITY.*—The map and legal
18 description filed under paragraph (1) shall be on file
19 and available for public inspection in the appropriate
20 offices of the Bureau of Land Management.

21 **SEC. 4. RELEASE.**

22 (a) *FINDING.*—Congress finds that, for the purposes of
23 section 603(c) of the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1782(c)), the portions of the Bad-
25 lands wilderness study area that are not designated as the

1 *Oregon Badlands Wilderness or as potential wilderness*
 2 *have been adequately studied for wilderness or potential*
 3 *wilderness designation.*

4 (b) *RELEASE.—Any public land described in sub-*
 5 *section (a) that is not designated as wilderness by this*
 6 *Act—*

7 (1) *is no longer subject to section 603(c) of the*
 8 *Federal Land Policy and Management Act of 1976*
 9 *(43 U.S.C. 1782(c)); and*

10 (2) *shall be managed in accordance with the ap-*
 11 *plicable land use plan adopted under section 202 of*
 12 *that Act (43 U.S.C. 1712).*

13 **SEC. 5. LAND EXCHANGES.**

14 (a) *CLARNO LAND EXCHANGE.—*

15 (1) *CONVEYANCE OF LAND.—Subject to sub-*
 16 *sections (c) through (e), if the landowner offers to con-*
 17 *vey to the United States all right, title, and interest*
 18 *of the landowner in and to the non-Federal land de-*
 19 *scribed in paragraph (2)(A), the Secretary shall—*

20 (A) *accept the offer; and*

21 (B) *on receipt of acceptable title to the non-*
 22 *Federal land, convey to the Landowner all right,*
 23 *title, and interest of the United States in and to*
 24 *the Federal land described in paragraph (2)(B).*

25 (2) *DESCRIPTION OF LAND.—*

1 (A) *NON-FEDERAL LAND.*—*The non-Federal*
 2 *land referred to in paragraph (1) is the approxi-*
 3 *mately 239 acres of non-Federal land identified*
 4 *on the wilderness map as “Clarno to Federal*
 5 *Government”.*

6 (B) *FEDERAL LAND.*—*The Federal land re-*
 7 *ferred to in paragraph (1)(B) is the approxi-*
 8 *mately 209 acres of Federal land identified on*
 9 *the wilderness map as “Federal Government to*
 10 *Clarno”.*

11 (3) *SURVEYS.*—*The exact acreage and legal de-*
 12 *scription of the Federal land and non-Federal land*
 13 *described in paragraph (2) shall be determined by*
 14 *surveys approved by the Secretary.*

15 (b) *DISTRICT EXCHANGE.*—

16 (1) *CONVEYANCE OF LAND.*—*Subject to sub-*
 17 *sections (c) through (e), if the District offers to convey*
 18 *to the United States all right, title, and interest of the*
 19 *District in and to the non-Federal land described in*
 20 *paragraph (2)(A), the Secretary shall—*

21 (A) *accept the offer; and*

22 (B) *on receipt of acceptable title to the non-*
 23 *Federal land, convey to the District all right,*
 24 *title, and interest of the United States in and to*
 25 *the Federal land described in paragraph (2)(B).*

1 (2) *DESCRIPTION OF LAND.*—

2 (A) *NON-FEDERAL LAND.*—*The non-Federal*
 3 *land referred to in paragraph (1) is the approxi-*
 4 *mately 527 acres of non-Federal land identified*
 5 *on the wilderness map as “COID to Federal*
 6 *Government”.*

7 (B) *FEDERAL LAND.*—*The Federal land re-*
 8 *ferred to in paragraph (1)(B) is the approxi-*
 9 *mately 697 acres of Federal land identified on*
 10 *the wilderness map as “Federal Government to*
 11 *COID”.*

12 (3) *SURVEYS.*—*The exact acreage and legal de-*
 13 *scription of the Federal land and non-Federal land*
 14 *described in paragraph (2) shall be determined by*
 15 *surveys approved by the Secretary.*

16 (c) *APPLICABLE LAW.*—*Except as otherwise provided*
 17 *in this section, the Secretary shall carry out the land ex-*
 18 *changes under this section in accordance with section 206*
 19 *of the Federal Land Policy and Management Act of 1976*
 20 *(43 U.S.C. 1716).*

21 (d) *VALUATION, APPRAISALS, AND EQUALIZATION.*—

22 (1) *IN GENERAL.*—*The value of the Federal land*
 23 *and the non-Federal land to be conveyed in a land ex-*
 24 *change under this section—*

1 (A) shall be equal, as determined by ap-
 2 praisals conducted in accordance with para-
 3 graph (2); or

4 (B) if not equal, shall be equalized in ac-
 5 cordance with paragraph (3).

6 (2) APPRAISALS.—

7 (A) IN GENERAL.—The Federal land and
 8 the non-Federal land to be exchanged under this
 9 section shall be appraised by an independent,
 10 qualified appraiser that is agreed to by the Sec-
 11 retary and the owner of the non-Federal land to
 12 be exchanged.

13 (B) REQUIREMENTS.—An appraisal under
 14 subparagraph (A) shall be conducted in accord-
 15 ance with—

16 (i) the Uniform Appraisal Standards
 17 for Federal Land Acquisitions; and

18 (ii) the Uniform Standards of Profes-
 19 sional Appraisal Practice.

20 (3) EQUALIZATION.—

21 (A) IN GENERAL.—If the value of the Fed-
 22 eral land and the non-Federal land to be con-
 23 veyed in a land exchange under this section is
 24 not equal, the value may be equalized by—

1 (i) making a cash equalization pay-
 2 ment to the Secretary or to the owner of the
 3 non-Federal land, as appropriate, in ac-
 4 cordance with section 206(b) of the Federal
 5 Land Policy and Management Act of 1976
 6 (43 U.S.C. 1716(b)); or

7 (ii) reducing the acreage of the Federal
 8 land or the non-Federal land to be ex-
 9 changed, as appropriate.

10 (B) CASH EQUALIZATION PAYMENTS.—Any
 11 cash equalization payments received by the Sec-
 12 retary under subparagraph (A)(i) shall be—

13 (i) deposited in the Federal Land Dis-
 14 posal Account established by section 206(a)
 15 of the Federal Land Transaction Facilita-
 16 tion Act (43 U.S.C. 2305(a)); and

17 (ii) used in accordance with that Act.

18 (e) CONDITIONS OF EXCHANGE.—

19 (1) IN GENERAL.—The land exchanges under this
 20 section shall be subject to such terms and conditions
 21 as the Secretary may require.

22 (2) COSTS.—As a condition of a conveyance of
 23 Federal land and non-Federal land under this sec-
 24 tion, the Federal Government and the owner of the
 25 non-Federal land shall equally share all costs relating

1 to the land exchange, including the costs of apprais-
 2 als, surveys, and any necessary environmental clear-
 3 ances.

4 (3) *VALID EXISTING RIGHTS.*—The exchange of
 5 Federal land and non-Federal land under this section
 6 shall be subject to any easements, rights-of-way, and
 7 other valid rights in existence on the date of enact-
 8 ment of this Act.

9 (f) *COMPLETION OF LAND EXCHANGE.*—It is the intent
 10 of Congress that the land exchanges under this section shall
 11 be completed not later than 2 years after the date of enact-
 12 ment of this Act.

13 **SEC. 6. PROTECTION OF TRIBAL TREATY RIGHTS.**

14 Nothing in this Act alters, modifies, enlarges, dimin-
 15 ishes, or abrogates the treaty rights of any Indian tribe,
 16 including the off-reservation reserved rights secured by the
 17 Treaty with the Tribes and Bands of Middle Oregon of June
 18 25, 1855 (12 Stat. 963).

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110TH CONGRESS
2^D Session

S. 3088

A BILL

To designate certain land in the State of Oregon as
wilderness, and for other purposes.

SEPTEMBER 16, 2008

Reported with an amendment